

1 **PHILIP K. GOLDSTEIN, ESQ.**

E-FILED: 12/15/10

2 Nevada Bar #4275

3 **LAW OFFICES OF PHILIP K. GOLDSTEIN, LTD.**

4 609 South Seventh Street

5 Las Vegas, Nevada 89101

6 (702) 388-2004

7 Attorney for Debtor(s)

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

8 **In Re:**

) **Case No. BKS-09-21193 LBR**

) **Chapter 13**

9 **RYAN KELSCH,**

10 **Debtor(s).**

) **Hearing Date: January 12, 2011**

) **Hearing Time: 10:30 A.M.**

11
12
13 **OPPOSITION DEBTOR'S OPPOSITION TO MOTION FOR**
14 **RELIEF FROM AUTOMATIC STAY**

15
16 COMES NOW, RYAN KELSCH, (Debtor), by and through his attorney, PHILIP K.
17 GOLDSTEIN, ESQ. of the LAW OFFICES OF PHILIP K. GOLDSTEIN, LTD., and in response
18 to BANK OF NEW YORK MELLON, AS TRUSTEE FOR THE ALTERNATIVE LOAN
19 TRUST 2007-HY2 MORTGAGE PASS THROUGH CERTIFICATES, SERIES 2007-HY2
20 ("Creditor") Motion For Relief From Automatic Stay dated December 7, 2010 states as follows:

21 1. On June 26, 2009, Debtor filed the current Chapter 13 Petition in Bankruptcy with
22 the Court.

23 2. Debtor's Plan provides that he would continue to make direct payments on his
24 mortgage to Creditor, while under the protection of the automatic stay of the Bankruptcy Court,
25 as well as provide for all mortgage payments in arrears.

26 3. Debtor is current with his post-petition mortgage payments however his mortgage
27 lender transferred his loan to another lender, so his payments are not being posted properly.

28 4. Debtor made payments to Creditor in the amounts of \$1,265.00 each, on or about
July 6, 2010; August 12, 2010; and September 24, 2010. (See bank receipt attached hereto as
"Exhibit 1").

1 5. On or about December 7, 2010, Creditor filed a Motion for Relief from Automatic
2 Stay.

3 6. Debtor requests that Creditor provide him with payment history.
4 It is therefore respectfully submitted that this Court deny Creditor's Motion for Relief
5 from Automatic Stay.

6 Dated: This 15th day of December, 2010.

7 Submitted by:

8 /s/ Philip K. Goldstein, Esq.
9 **Attorney for Debtor**

CERTIFICATE OF MAILING
DEBTOR'S OPPOSITION TO MOTION FOR
RELIEF FROM AUTOMATIC STAY

I hereby certify that on the 16th day of December, 2010, I mailed a true and correct copy,
first class mail, postage prepaid, of the above listed document to the following:

Greg Wilde, Esq.
212 S. Jones Blvd.
Las Vegas, NV 89107

KATHLEEN LEAVITT, Trustee
courtsecf3@las13.com

Mark Bosco, Esq.
Tiffany & Bosco PA
2525 E. Camelback Rd., Ste. 300
Phoenix, AZ 85016

/s/ Philip K. Goldstein, Esq.
Attorney for Debtor(s)

EXHIBIT 1

Countrywide Home Loans \$1,265.00
House 1st -6920

CAMPUSEDGE CHECKING
3517

07/06/2010

Confirmation Number: BBSKT-M07FQ

July
This payment was transmitted electronically to Countrywide Home Loans on 07/06/2010. Funds were withdrawn from your CAMPUSEDGE CHECKING-3517 account on 07/06/2010.

If you have a question about this payment, click [Inquire About Payment](#) to send a message to customer service.

Countrywide Home Loans \$1,265.00
House 1st -6920

CAMPUSEDGE CHECKING
3517

08/12/2010

Confirmation Number: BGLPS-NGXZ3

Aug
This payment was transmitted electronically to Countrywide Home Loans on 08/12/2010. Funds were withdrawn from your CAMPUSEDGE CHECKING-3517 account on 08/12/2010.

If you have a question about this payment, click [Inquire About Payment](#) to send a message to customer service.

Countrywide Home Loans \$1,265.00
House 1st -6920

CAMPUSEDGE CHECKING
3517

09/24/2010

Confirmation Number: BLT7C-22CT6

Sept
This payment was transmitted electronically to Countrywide Home Loans on 09/24/2010. Funds were withdrawn from your CAMPUSEDGE CHECKING-3517 account on 09/24/2010.

If you have a question about this payment, click [Inquire About Payment](#) to send a message to customer service.

[Inquire About Payment](#)

[Cancel Payment](#)